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10/694,491

10/27/2003

Dong-Min Kim

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EXAMINER

HERNANDEZ, NELSON D

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/694,491

Applicant(s)

KIM, DONG-MIN

Examiner

Nelson D. Hernandez

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The Examiner acknowledges the amended claims filed on April 13, 2007.

**Claims 1, 3, 7-9 and 13-15** have been amended. **Claim 2** has been canceled.

### *Response to Arguments*

2. Applicant's arguments with respect to independent **claims 1 and 13** have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed April 13, 2007 have been fully considered but they are not persuasive.

4. The Applicant made a suggestion that the Examiner may be making the conclusion for obviousness based upon improper hindsight reasoning (page 6, ¶ 3-4).

➤ In response to applicant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Objections***

5. **Claim 3** is objected to because of the following informalities: Claim 3 appears to depend from canceled **claim 2**. Is **claim 3** dependent from claim 1? Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 1, 3, 6, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 in view of Winkler, EP 1246434 A1 and further in view of Miyao et al., US Patent 6,466,237 B1.**

Regarding claim 1, Nishigaki discloses a method for altering a digital camera display (Fig. 3: DSP) to facilitate readability, the method comprising the steps of: (a) displaying at least one menu item (See figs. 1 and 2) on a display screen; (b) determining whether a user has selected a menu item (See menu item selected as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013); (c) magnifying the selected menu item (See magnified selected menu item as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013; page 5, ¶ 0018 - page 6, ¶ 0019; page 8, ¶ 0026-0027).

Nishigaki does not explicitly disclose that said magnification to the menu item is done when an impaired vision mode is set and that the selected menu item is magnified and the predetermined set time has elapsed, automatically returning the selected menu item to its original size.

However, Winkler teaches a method for altering a portable electronic device display (See fig. 1), the method comprising the steps of: (a) displaying at least one menu item (See menu items on display 101 as shown in fig. 1) on a display screen; (b) determining whether a user has selected a menu item (See menu item 401 being selected); (c) determining whether an impaired vision mode is set (The examiner is reading the circular arrangement shown in fig. 4a as the impaired vision mode from the displays arrangements including the circular arrangement, grid-like arrangement or lined up icons arrangement that can be set by the user; col. 9, ¶ 0045 - col. 10, ¶ 0047); (d) if the impaired vision mode is set, magnifying the selected menu item (See item 401 magnified in the impaired vision mode (circular arrangement)) (Col. 9, ¶ 0045 - col. 10, ¶ 0047). Winkler also discloses that the selected menu item magnified for a set time and then returned to its original size by teaching that the selected item is magnified the amount of time that the user decides to have it selected and when the user decides to select a different item the previous selected item would become smaller (Winkler, col. 9, ¶ 0045 - col. 10, ¶ 0047).

Therefore, taking the combined teaching of Nishigaki in view of Winkler as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki to determine whether an impaired vision mode is set and to magnify the selected menu item if the impaired vision mode is set. The

motivation to do so would have been to allow the user to better recognize the items to be selected while operating the camera even when the camera screen is of a small size.

Although the combined teaching of Nishigaki in view of Winkler teaches that the selected menu item magnified for a set time and then returned to its original size by teaching that the selected item is magnified the amount of time that the user decides to have it selected and when the user decides to select a different item the previous selected item would become smaller, the combined teaching of Nishigaki in view of Winkler fails to teach that the selected menu item is magnified and the predetermined set time has elapsed, automatically returning the selected menu item to its original size.

However, Miyao et al. teaches an electronic apparatus (See fig. 1), wherein upon operation of an operation panel (Fig. 1: 24), the user is able to set the display of the apparatus to sequentially display a plurality of icons, wherein a selected icon is magnified for a predetermined set time and when said predetermined set time has elapsed (See figs. 6-8, 17, 18, 20 and 24), would automatically return to a smaller size so that the icon of interest would be easier to observe for the user. Miyao also discloses that when sequentially displaying the icons said icons are magnified for a predetermined amount of time and then reduced in size while a next icon is magnified in a motion forming a ring, wherein the user can adjust the predetermined set time that the icon is magnified (Col. 11, line 23 – col. 13, line 62; col. 14, line 46 – col. 16, line 20).

Therefore, taking the combined teaching of Nishigaki in view of Winkler in view of Miyao et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki and Winkler by magnifying the selected menu item and if the predetermined set time has elapsed, automatically

returning the selected menu item to its original size. The motivation to do so would have been to easily visually identify icons and those icons behind the thumbnail file on the foreground are partially displayed, thereby allowing the user to obtain some information on the icons in the back as suggested by Miyao et al. (Col.2, lines 42-53).

**Regarding claim 3**, limitations can be found in claim 1.

**Regarding claim 6**, claim 6 is written in a Markush type by using the expression "comprises at least one of an operation mode menu, a flash menu, a focusing menu, a focusing mark menu, a charge state menu, or a white balance menu", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Nishigaki discloses that the at least one menu item comprises an operation mode (i.e. Digital Zoom; see English Translation, page 4, ¶ 0012-0013).

**Regarding claim 9**, the combined teaching of Nishigaki in view of Winkler as applied to claim 1 teaches the step of: (f) if the impaired vision mode is not set, displaying the selected menu item at normal size (Winkler teaches that the display arrangement mode is set by the user (col. 9, ¶ 0045 - col. 10, ¶ 0047); therefore if the user decides whether to select a display arrangement mode different than the circular arrangement (impaired vision mode) (i.e. grid mode), the selected item would not be magnified, it would be displayed at normal size). Grounds for rejection claim 1 apply here.

**Regarding claim 10**, Nishigaki discloses that the at least one menu item relates to one item in a main menu (See English Translation, pages 2-3, ¶0005).

**Regarding claim 11**, claim 11 is written in a Markush type by using the expression "comprises at least one of a basic setting menu, a memory card setting menu, a picture setting menu, or a photographing setting menu", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Nishigaki discloses that the main menu comprises a photographing setting menu (i.e. Auto Exposure shift; see English Translation, page 4, ¶ 0012-0013).

**Regarding claim 12**, claim 12 is written in a Markush type by using the expression "comprises at least one of a reset menu, a memory card format menu, an output sound setting, a power control menu, a sleep mode setting menu, or a file setting menu, and the main menu item is a basic setting menu", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Nishigaki discloses that the at least one menu item comprises an output sound setting (see English Translation, page 3, ¶ 0007).



**Regarding claim 13**, Nishigaki discloses a method for altering a digital camera display (Fig. 3: DSP) to facilitate readability, the method comprising the steps of: displaying at least one menu item (See figs. 1 and 2) on a display screen; sequentially magnifying and displaying each menu item (See magnified selected menu item as shown in fig. 1a; wherein the user selected each of the menu items and said items are sequentially magnified as the user change from a selected menu item to the next menu items; see English Translation, page 4, ¶ 0012-0013; page 5, ¶ 0018 - page 6, ¶ 0019; page 8, ¶ 0026-0027).

Nishigaki does not explicitly disclose determining whether an impaired vision mode is set and that said sequentially magnification to the menu items is automatically done when an impaired vision mode is set.

However, Winkler teaches a method for altering a portable electronic device display (See fig. 1), the method comprising the steps of: (a) displaying at least one menu item (See menu items on display 101 as shown in fig. 1) on a display screen; (b) determining whether a user has selected a menu item (See menu item 401 being selected); (c) determining whether an impaired vision mode is set (The examiner is reading the circular arrangement shown in fig. 4a as the impaired vision mode from the displays arrangements including the circular arrangement, grid-like arrangement or lined up icons arrangement that can be set by the user; col. 9, ¶ 0045 - col. 10, 70047); (d) if the impaired vision mode is set, magnifying the selected menu item (See item 401 magnified in the impaired vision mode (circular arrangement)) (Col. 9, ¶ 0045 - col. 10, 70047).

Therefore, taking the combined teaching of Nishigaki in view of Winkler as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki to determine whether an impaired vision mode is set and to sequentially magnify the selected menu items if the impaired vision mode is set. The motivation to do so would have been to allow the user to better recognize the items to be selected while operating the camera even when the camera screen is of a small size.

The combined teaching of Nishigaki in view of Winkler fails to teach that said sequentially magnification is performed automatically.

However, Miyao et al. teaches a method for controlling the display of an electronic apparatus (See fig. 1), wherein upon operation of an operation panel (Fig. 1: 24), the user is able to select a display option wherein said display of the apparatus automatically sequentially display a plurality of icons, wherein a selected icon is magnified for a predetermined set time and when said predetermined set time has elapsed (See figs. 6-8, 17, 18, 20 and 24), would automatically return to a smaller size so that the icon of interest would be easier to observe for the user. Miyao also discloses that when sequentially displaying the icons said icons are magnified for a predetermined amount of time and then reduced in size while a next icon is magnified in a motion forming a ring, wherein the user can adjust the predetermined set time that the icon is magnified (Col. 11, line 23 – col. 13, line 62; col. 14, line 46 – col. 16, line 20).

Therefore, taking the combined teaching of Nishigaki in view of Winkler in view of Miyao et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki and Winkler by automatically

sequentially magnifying the icons when the impair vision mode is selected. The motivation to do so would have been to easily visually identify icons and those icons behind the thumbnail file on the foreground are partially displayed, thereby allowing the user to obtain some information on the icons in the back as suggested by Miyao et al. (Col.2, lines 42-53).

**8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 and Winkler, EP 1246434 A1 in view of Miyao et al., US Patent 6,466,237 B1 and further in view of Steele, US Patent 5,973,694.**

**Regarding claim 4**, the combined teaching of Nishigaki in view of Winkler and further in view of Miyao et al. fails to teach that the user selects a menu item by maneuvering a marker over the menu item.

However, maneuvering a marker over a menu item to select it is notoriously well known in the art as taught by Steele. Steele the use of a marker (arrow as shown in fig. 2A) on a display user interface to select from among a plurality of menu icons (see icons in figs. 2A-2C), wherein the selected icon is magnified for a specific period of time so that the user can better visualize the selected icon (Col. 5, lines 25-34; col. 25-67).

Therefore, taking the combined teaching of Nishigaki and Winkler in view of Miyao et al. and further in view of Steele as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki, Winkler and Miyao et al. by maneuvering a marker over a menu item to select it. The motivation to do so would have been to facilitate the user the selections of a menu item from a large group of menu items.

**Regarding claim 5**, limitations can be found in claim 4.

**9. Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 and Winkler, EP 1246434 A1 in view of Miyao et al., US Patent 6,466,237 B1 and further in view of Kurase, US 2002/0063783 A1.**

**Regarding claim 7**, the combined teaching of Nishigaki in view of Winkler and further in view of Miyao et al. fails to teach the steps of: (a1) determining whether a shutter button has been pressed to the first stage (a2) if the shutter button has been pressed to a first stage, performing photographing operation control (a3) if the shutter button has not been pressed to a first stage, proceeding to step (b).

However, Kurase teaches a digital camera (Fig. 1) comprising a display (Fig. 2; 64) for displaying a menu and to be used as a viewfinder; a shutter button (Fig. 1: 24) having two stages, wherein when the camera is displaying either image information or menu information and the user presses the shutter button to a first stage, the camera performs automatic exposure and automatic focusing (if the user does not presses the shutter button to the half press position the camera would continue the display operation of either image information or menu information) (Page 3, ¶ 0042; page 4, ¶ 0054-0055; page 6, ¶ 0085; page 9, ¶ 0122).

Therefore, taking the combined teaching of Nishigaki and Winkler in view of Miyao et al. and further in view of Kurase as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki, Winkler and Miyao et al. by determining whether a shutter button has been pressed to a

first stage; if the shutter button has been pressed to a first stage, performing photographing operation control if the shutter button has not been pressed to a first stage, proceeding to step (b). The motivation to do so would have been to have the camera performing image operation prior to photography so it would accelerate the image processing for the captured image and would also help let the user determine whether to take or not the image after the pre-process is performed.

**Regarding claim 8**, limitations can be found in claim 7.

**Regarding claim 15**, the combined teaching of Nishigaki and Winkler in view of Miyao et al. and further in view of Kurase as applied to claim 7 teaches the subsequent steps of: determining whether a shutter button has been pressed to a first stage (see Kurase, page 3, ¶ 0042); if the shutter button has been pressed to the first stage, proceeding with the remaining steps (since the claim does not explicitly indicates which are the remaining steps the Examiner will read the remaining steps as automatic exposure and automatic focusing; see Kurase, page 3, ¶ 0042); determining whether the shutter button has been pressed to a second stage (see Kurase, page 4, ¶ 0054-0055); if the shutter button has been pressed to the second stage, proceeding with the remaining steps; executing a photograph (see Kurase, page 4, ¶ 0054-0055); compressing image data (see Kurase, page 4, ¶ 0054-0055); generating a compressed image file (see Kurase, page 4, ¶ 0054-0055); and storing the image file in a recording medium (memory card as shown in fig. 3: 94; see Kurase, page 4, ¶ 0054-0055).  
Grounds for rejecting claim 7 apply here.

**Regarding claim 16**, limitations can be found in claim 15.

**10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297, Winkler, EP 1246434 A1 and Miyao et al., US Patent 6,466,237 B1 in view of Kurase, US 200210063783 A1 and further in view of Niikawa, US 2004/0201767 A1.**

Regarding claim 14, the combined teaching of Nishigaki and Winkler in view of Miyao et al. and further in view of Kurase teaches: the initial steps of: determining whether a shutter button has been pressed to a first stage (see Kurase, page 3, ¶ 0042); if the shutter button has been pressed to a first stage, proceeding with the remaining steps (see Kurase, page 3, ¶ 0042); determining whether a memory card has sufficient available memory to store a photograph (see Kurase, page 9, ¶ 0122); if the memory card does not have sufficient available memory, displaying a message indicating the lack of sufficient available memory and terminating the procedure (See Kurase, page 7, ¶ 0104-0105; page 9, ¶ 0122); if the memory card does have sufficient available memory, proceeding with the remaining steps (in Kurase, if the memory card is not full the camera will proceed to capture and record the image; page 7, ¶ 0104-0105; page 9, ¶ 0122); executing automatic exposure (Kurase, page 3, ¶ 0042); and executing automatic focusing (Kurase, page 3, ¶ 0042) but fails to teach executing automatic white balance.

However, Niikawa teaches a digital camera (Fig. 3) comprising a shutter button (Fig. 3: 9) wherein, when the user presses said shutter button to a half way position, the camera proceeds with the steps of executing automatic white balance, executing automatic exposure, and executing automatic focusing (Pages 3-4, ¶ 0066).

Therefore, taking the combined teaching of Nishigaki, Winkler and Miyao et al. in view of Kurase and further in view of Niikawa as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki, Winkler, Miyao et al., and Kurase by executing automatic white balance as an additional processing. The motivation to do so would have been to adjust the color values and perform other image processing prior to capture and record the image so it would accelerate the image processing for the captured image.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez  
Examiner  
Art Unit 2622

NDHH  
July 6, 2007

  
LIN YE  
SPE. ART UNIT 2622